



Board of County Commissioners (BCC)

Meeting: 09/28/21 05:00 PM

Department: Finance
Prepared By: Denise Benavidez
Director: Shirley Ragin
DCM: Shirley Ragin
Sponsors: Julie Morgas Baca

Title: American Rescue Plan Act (ARPA) Recovery Plan

Action:

Motion to:

1. Approve the Bernalillo County Recovery Plan.
2. Approve Financial Resolution **FR 2021-88** to budget the second tranche of the American Rescue Plan Act (ARPA) funding in the amount of \$65,955,646.50.
3. Approve the Memorandum of Understanding (MOU) between Bernalillo County and the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) to provide ARPA funding in the amount not to exceed \$53,816,573 to design, build, rehabilitate, and improve water and sewer initiatives for underserved communities within the county and improve access to clean drinking water, support vital wastewater and stormwater infrastructure
4. Authorize the County Manager to execute subsequent agreements and amendments with the ABCWUA for seven projects identified in the MOU for water and sewer projects approved by the Board of County Commissioners (BCC) under ARPA.

Summary:

On March 11, 2021, President Biden signed the American Rescue Plan Act (ARPA) of 2021 (H.R. 1319) into law. This \$1.9 trillion package is intended to combat the COVID-19 pandemic, including the public health and economic impacts.

The U.S. Department of Treasury has set up a Coronavirus State and Local Fiscal Recovery Fund (CSLFRF) that will provide \$350 billion in federal fiscal recovery aid for state and local governments. Amounts paid to States, the District of Columbia, U.S. Territories, and eligible units of local government are based on population as provided in the ARP Act. \$65.1 billion in federal aid will be distributed to counties based on the county share of the U.S. population. Counties with a population of at least 50,000 will receive direct federal aid. The ARPA directs Treasury to use U.S. Census Bureau data for the most recent year for which data is available.

Bernalillo County was identified as an eligible local government to receive \$131,911,293 in direct aid to combat the COVID-19 pandemic, including the public health and economic impacts. On May 25, 2021, the BCC approved to accept and budget the first direct allocation (tranche) of funding in the amount \$65,955,646.50; which was received on May 19, 2021, and approval was received to commence analysis of potential water, sewer, and broadband projects.

In developing plans, the county met with departments, outside agencies, and elected officials to discuss recovery needs that comply with ARPA Interim Final Rule guidelines. The suggested

uses of funds were discussed in two BCC Work Sessions held on August 19, 2021, and August 23, 2021 and suggested projects were prioritized. Comments and feedback were incorporated into the Recovery Plan document. Staff is recommending the approval of the Recovery Plan. The county pledges that the planned uses of funds will conform with the U.S Treasury Department's Interim Final ARPA Rule by being transparent and accountable for the use of ARPA dollars. The county will establish an internal monitoring, review and reporting process; certify eligible expenditures; and adhere to reporting requirements.

The Bernalillo County Recovery Plan complies with the guidance from U.S. Treasury Department detailed in the Interim Final ARPA Rule and the Compliance and Reporting Guidance. The Treasury details very specific reporting requirements for subrecipients. Therefore, anyone who is identified as a sub-recipient, is subject to the requirements and run the risk of not receiving funding or funding being withdrawn for non-compliance in eligible spending and/or mandatory reporting. The Recovery Plan funding will be allocated prior to December 31, 2024 deadline and all ARPA expenditures will be completed by December 31, 2026, as required by federal law.

The direct allocation payments from the CSLFRF are proposed to be used in the following ways:

- (1) **Public Health (EC 1)** - \$4.5m to support the need for public health measures to respond to COVID-19 which will continue in the months and potentially years to come. Bernalillo County has assessed a significant jump in behavioral health service needs and those most impacted by the pandemic;
- (2) **Negative Economic Impacts (EC 2)** - \$7.6m to address and assist those negatively economically impacted by the pandemic;
- (3) **Services to Disproportionately Impacted Communities (EC 3)** - \$9.5m to fund services experiencing high rates of homelessness, mental distress and substance use disorders. Low income communities have been disproportionately impacted by the pandemic-related recession and are in need of supportive housing assistance as well as affordable housing. Working in conjunction with Department of Behavioral Health Services and other departments, the county is committed to reviewing ways in which it can aid underserved populations who have been hit the hardest by the COVID-19 pandemic;
- (4) **Premium Pay (EC 4)** - \$10.0m to fund premium pay for qualified employees. Bernalillo County will pay a lump sum in premium pay on a quarterly basis, rather than incorporating into the base salary. Only employees who are considered essential workers in critical infrastructure sectors who regularly perform in-person work, interact with others at work, or physically handle items handled by others are eligible for premium pay.
- (5) **Water, Sewer, and Broadband Infrastructure (EC 5)** - \$74.6m for necessary investments to build, rehabilitate, and improve water and sewer initiatives for underserved communities within the county and improve access to clean drinking

water, support vital wastewater and stormwater infrastructure. \$10m to build broadband infrastructure that bridges the digital divide for residents and businesses in two targeted areas of the county;

- (6) Revenue Replacement (EC 6)** - \$18.0m to replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic.

The attached tables provide a detailed project and program list including a contingency in anticipation of new initiatives or justified increases to previously approved projects. Table 1 contains the Water, Sewer and Broadband Infrastructure projects and Table 2 contains all non-infrastructure projects.

The motions being presented are:

MOTION 1: BERNALILLO COUNTY RECOVERY PLAN

This motion is to accept The Bernalillo County Recovery Plan which will comply with the U.S. Treasury Department's Interim Final ARPA Rule. The Recovery Plan will be allocated prior to December 31, 2024 deadline and all ARPA expenditures will be completed by December 31, 2026, as required by federal law.

MOTION 2: FINANCIAL RESOLUTION ACCEPTING THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDING

Bernalillo County was allocated \$131,911,293.00. The County received 50% of the direct allocation (tranche) \$65,955,646.50 on May 19, 2021. The second and final tranche will be delivered in May 2022. This motion allows for the second tranche to be budgeted to ensure projects can start the Procurement Phase; however, the County will not commence expending the funds until the second tranche is received.

MOTION 3: AGREEMENT BETWEEN BERNALILLO COUNTY AND ABCWUA

The County is committed to working with ABCWUA toward providing funding to improve the overall quality of life of county residents by investing in water and sewer infrastructure. The MOU identifies 7 infrastructure projects and outlines the initial performance and reporting requirements. ABCWA will be the lead agency for the projects and for the performance of all work related to the completion of the projects. The motion allows the County is subaward ARPA funding to ABCWUA in an amount not to exceed \$53,816,573. ABCWUA will be considered a subrecipient of the County.

MOTION 4: AUTHORIZE THE COUNTY MANAGER TO EXECUTE SUBSEQUENT AGREEMENTS WITH ABCWUA

Subsequent agreements will need to be negotiated and executed for each individual project to ensure the subrecipient complies with the statutory and regulatory requirements and the terms and conditions of the award. In addition, subsequent agreements are necessary to provide detailed project information, description and project timeline. This motion allows the County Manager to negotiate and execute subsequent agreements between Bernalillo County and ABCWUA.

Attachments:

- Bernco-Recovery-Plan-Performance-Report_Final_8.31.21 (PDF)
- ARPA Infrastructure Summary_BCC 9.28.21_Tables Graphs (PDF)
- ARPA Non Infrastructure Summary_BCC 9.28.21_Tables Graphs (PDF)
- Financial Resolution ARPA 2nd tranche (PDF)
- MOU BETWEEN BERNALILLO COUNTY AND ABCWUA(PDF)
- ARPA Recovery Plan Financial Analysis Form Final (XLSM)

Staff Analysis Summary:

Procurement & Business Services Steven Baca Review Completed 09/17/2021 11:00 AM

Action Memo 16231: No comment required on the proposed motions; however, proper Purchasing procedures will be followed for any and all related procurements. Steven Baca, Purchasing Administrator, 9/17/2021.

Risk Management Gina M. Ortega Review Completed 09/20/2021 6:25 PM

Budget Jackie Sanchez Review Completed 09/21/2021 11:07 AM

I have reviewed and recommend the approval of this agenda item. JS 092121

Public Works Division Patricia Benavidez Review Completed 09/22/2021 3:27 PM

Recommend approval of the ARPA item, this item outlines the County's plan to allocate ARPA funding where it will most benefit the citizens in all areas of Bernalillo County. These benefits will range from more reliable water and sewer infrastructure, expanding broadband to areas of the county not currently served or poorly served, assisting in programs that promote economic development and financial stability EA 9/22/21

Legal Theresa Baca Sandoval Review Completed 09/22/2021 4:33 PM

Approved as to form. TBS 9/8/2021.

Finance Shirley Ragin Review Completed 09/22/2021 4:34 PM

Reviewed and recommend approval. The ARPA funding will provide funding to complete many water, sewer and broadband infrastructure projects; and address the needs of the front line workers and community as we continue to recover from the negative economic impacts of COVID-19. SMR 9/22/2021

County Manager Julie Anne Baca Review Completed 09/23/2021 8:56 AM

Considerable staff time, thought, analysis and vetting has gone into evaluating these requests for commission consideration. I recommend approval. JMB 9/23/21

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steven Michael Quezada, Vice Chair, Member, District 2
SECONDER:	Charlene E. Pyskoty, Chair, Member, District 5
AYES:	Charlene E. Pyskoty, Steven Michael Quezada, Adriann Barboa, Walt Benson
EXCUSED:	Debbie O'Malley



Bernalillo County
Recovery Plan Performance Report
August 31, 2021

American Rescue Plan



State and Local Fiscal Recovery Funds

Period covered: Award date through July 31, 2021

Current Officials of Bernalillo County, New Mexico

Board of County Commissioners

Charlene E. Pyskoty, Chair, District 5
Steven Michael Quezada, Vice-Chair, District 2
Debbie O'Malley, District 1
Adriann Barboa, District 3
Walt Benson, District 4

Assessor

Tanya R. Giddings

Clerk

Linda Stover

Probate Judge

Cristy J. Carbón-Gaul

Sheriff

Manuel Gonzales III

Treasurer

Nancy M. Bearce

County Manager

Julie Morgas Baca

Deputy County Managers

Enrico Gradi, Community Services Division
Shirley Ragin, Finance Division
Lisa Sedillo-White, General Services Division
Greg Perez, Public Safety Division
Elias Archuleta, Public Works Division

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GENERAL OVERVIEW

Executive Summary

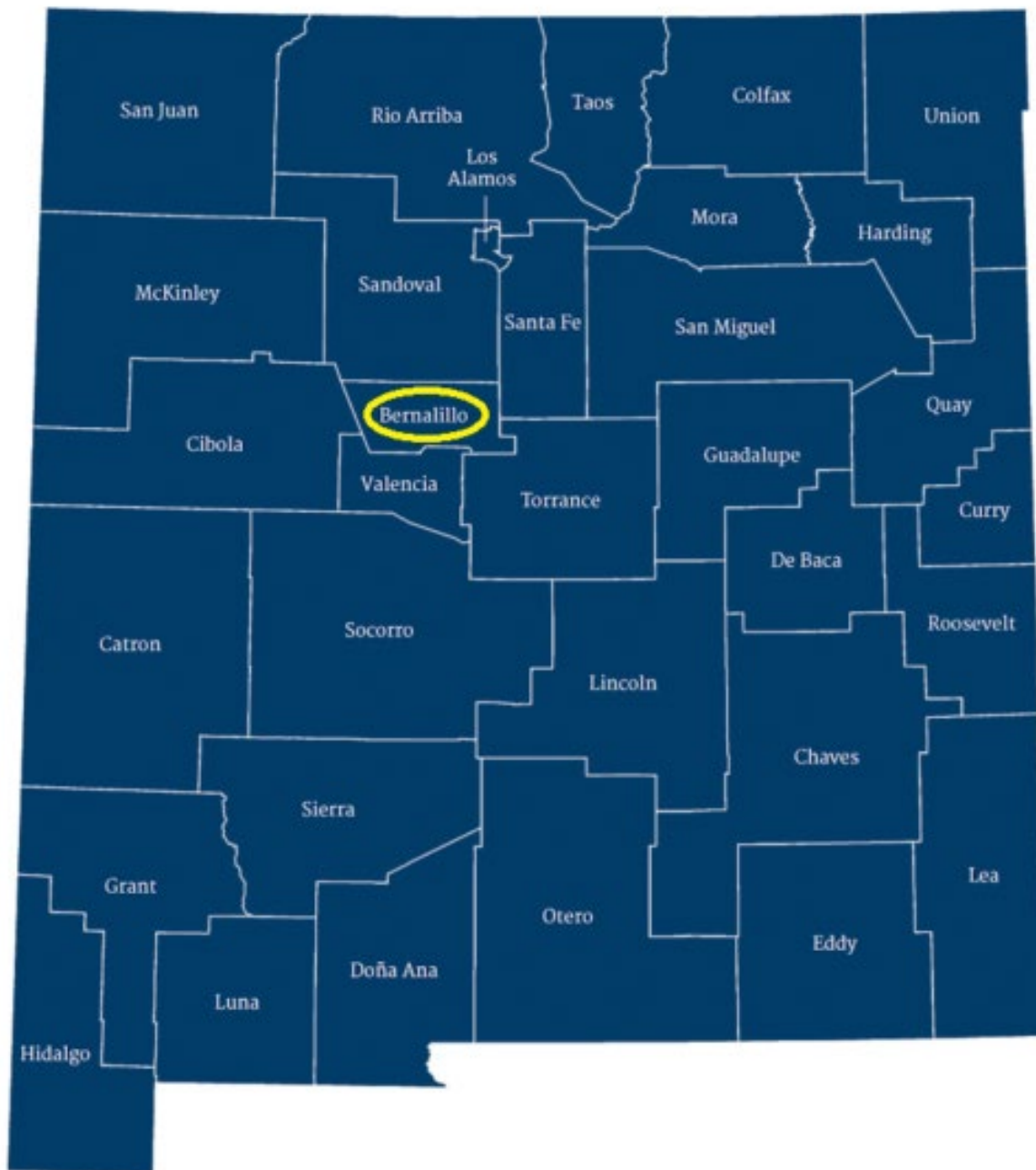
The American Rescue Plan Act (ARPA) identified Bernalillo County as an eligible local government to receive \$131,911,293 in direct aid to combat the COVID-19 pandemic, including the public health and economic impacts. The distribution of the funding was in two 50% direct allocations (tranches) each of \$65,955,646.50; the first one was received on May 19, 2021 and the second will be delivered 12 months later.

The mission of Bernalillo County is to be an effective steward of county resources and a partner in building a high quality of life for county residents, communities and businesses. Bernalillo County's Recovery Plan supports the critical need for investments and improvements to existing infrastructure in water, sewer, and broadband. Additionally, the Recovery Plan addresses the need of public health and negative economic impacts to services to those communities disproportionately impacted. These objectives are aligned with the county's Strategic Plan of Governmental Accountability, Public Safety, Economic Vitality, Community Health and Public Infrastructure.

County Manager Julie Morgas Baca is committed to facilitating the community's recovery in meaningful ways to include collaboration with other entities to maximize this one-time infusion of ARPA funding, such as through completion of water and sewer projects and expansion of broadband to underserved areas within Bernalillo County. In developing plans, the county met with departments, outside agencies, and elected officials to discuss recovery needs that comply with the U.S. Department of the Treasury's (Treasury) Interim Final Rule guidance. The suggested uses of funds based on priorities, were discussed in two public work sessions with the county's Board of County Commissioners (BCC) on August 19, 2021 and August 23, 2021. Based on comments and feedback, the final listing of projects and initiatives will be submitted for final approval by the BCC on September 14, 2021, therefore, no ARPA funds have been expended. Many of the projects are expected to start once BCC has approved the Recovery Plan in mid-September.

To ensure government accountability, the county pledges that the planned uses of funds will conform with the Treasury's Interim Final Rule by being transparent and accountable for the use of ARPA funding. The county will establish an internal monitoring, review and reporting process; certify eligible expenditures; and adhere to reporting requirements. The Recovery Plan will be allocated prior to December 31, 2024 deadline and all ARPA expenditures will be completed by December 31, 2026, as required by federal law. The county will review the plan regularly and reallocate priorities if necessary.

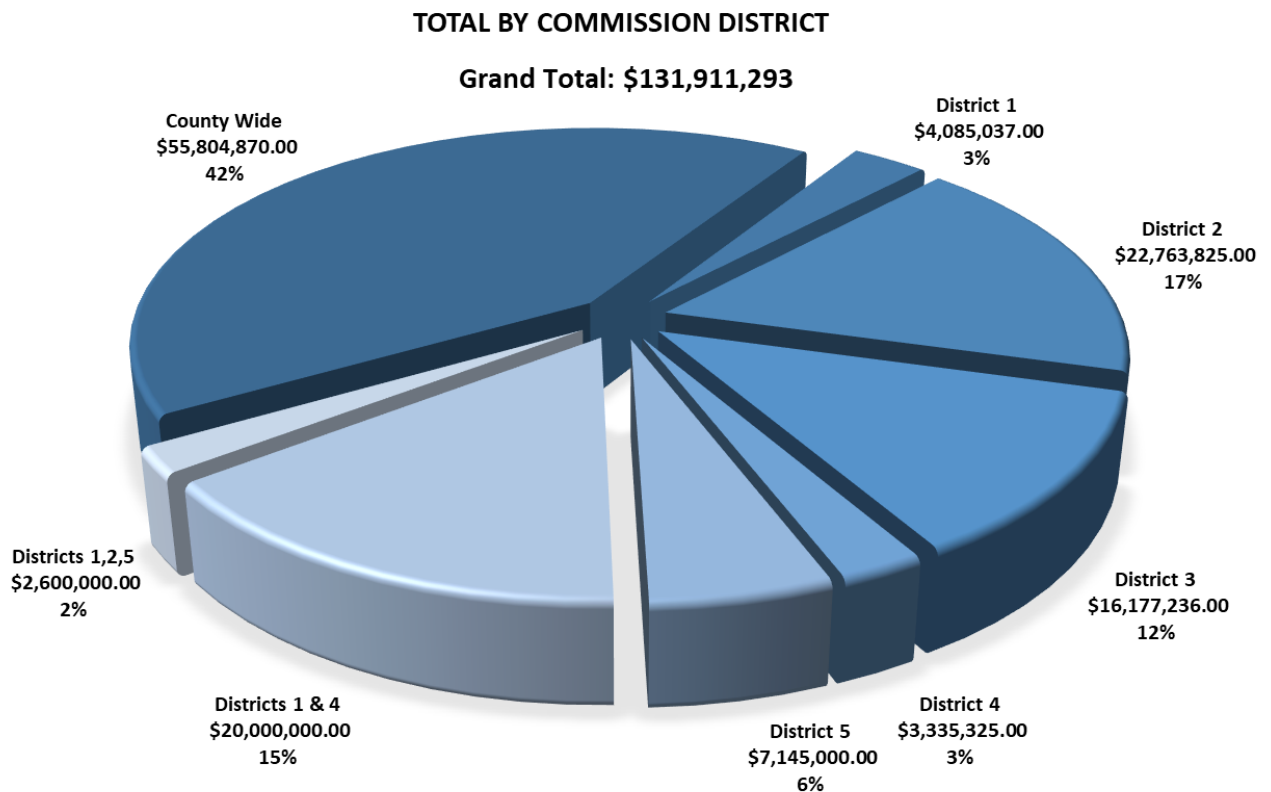
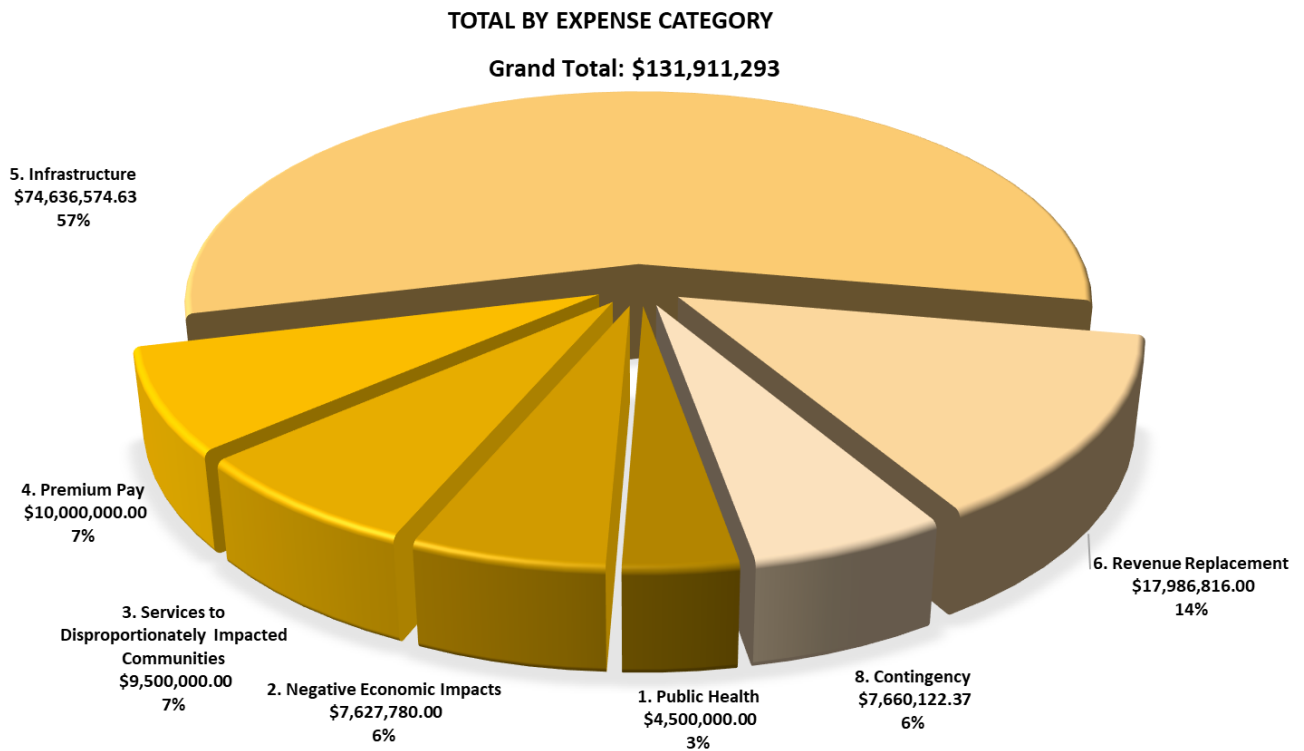
Bernalillo County is located in the central part of the state. Bernalillo County is 1,160 square miles and is New Mexico's most populous county with more than 676,000 residents. Bernalillo County government provides a wide range of public services to residents who live in Albuquerque, Los Ranchos and Tijeras and the 106,000 residents who live outside the village and city limits in the unincorporated areas of the county. Bernalillo County employs approximately 2,500 people and has an annual operating budget and capital investments of more than \$650 million. The Board of County Commissioners, each representing one of the county's five districts, govern the county and are each limited to two, four-year terms. Commissioners are responsible to voters; however, their duties are defined and controlled by state law.



(Source: New Mexico Counties)

Uses of Funds

The following charts illustrate the allocations of the ARPA funding by expenditure category and commission district.



The county intends to use funds and institute strategies as follows:

Public Health (EC 1) - \$4.5 million

In the need for public health measures to respond to COVID-19 which will continue in the months and potentially years to come. Bernalillo County has assessed a significant jump in behavioral health service needs and those most impacted by the pandemic. The following projects are proposed:

- A total of \$2.25 million will be committed to the Young Adult Inpatient Substance Abuse Program. Young Adult Inpatient Treatment Services administered by the Department of Behavioral Health Services (DBHS) on the Comprehensive Assessment and Recovery through Excellence (CARE) Campus in the center of Bernalillo County to serve young adults (ages 18 - 21) with Substance Use Disorders (SUD). Many treatment programs are not designed to meet the developmental needs of young adults as they struggle with misuse of substances and its consequences. Programming is tailored to the needs of this population, which often is not yet ready to make a commitment to long-term recovery. Motivational Interviewing and Community Reinforcement Approach (CRA-A) are two best practices which meet young adults “where they are” and which recognize their needs with regard to substance misuse.
- A total of \$2.25 million will be committed to the Outpatient Clinic (OPC) which incorporates two evidence-based best practices:
 1. Integrated treatment of co-occurring disorders, addressing issues simultaneously in recognition of how they interact with each other.
 2. Medication Assisted Treatment (MAT) for opioid use disorders, an established best practice for treatment of such disorders.

Clinic staffing will include peer recovery specialists who can support the recovery process, and Case Managers who can assist with meeting the basic needs necessary for maintaining recovery. The Living Room model is an emerging best practice, whereby individuals in distress or crisis can access care without a formal intake into a large-scale, clinical program, which may for many be too intimidating. Peer recovery specialists will assist such individuals in determining what supports or services they might need in an informal, supportive environment.

Negative Economic Impacts (EC 2) - \$7.6 million

Bernalillo County has received numerous funding requests from community members, county staff, and other organizations for those in the community most adversely economically impacted by COVID-19. The Bernalillo County recovery plan will administer the following projects with recovery funds in order to address and assist those negatively economically impacted by the pandemic. The following projects are proposed:

- Competency Evaluation Program - \$388 thousand. The pandemic period has slowed the New Mexico criminal justice system and judicial processing, which has also caused complications in scheduling face-to-face appointments with defendants. The number of competency evaluations has also increased to over 30 requests per month. Bernalillo County proposes to address this with increased support to District Court’s competency evaluation program above its current county arrangement to provide an additional court clinician and a 0.5 FTE Competency Evaluation Program Manager. This will enable the program to complete 30 or

more competency evaluations per month, reducing the back log and meet the statutorily determined completion timeline.

- Temporary County Court Complex - \$100 thousand. The pandemic period has slowed the New Mexico criminal justice system and judicial processing, which has also caused complications with District Court proceedings and hearings being scheduled and conducted while meeting public health measures. This project will allow additional court proceedings and hearings to be conducted at a temporary facility to allow additional members of the public to be part of the judicial process and maintain the required health measures.
- Partnership for Community Action (PCA) - Social Enterprise Center (SEC) expansion of services - \$1 million. New program activities: The SEC will provide living wage jobs and wrap-around services including justice-centered work in economic security and early childhood education. Using 2Gen strategies, PCA works with families with young children for systems level changes including access to capital for racially diverse enterprises, micro lending, guaranteed basic income and access and equity within NM's tax policies - including the federal EITC, Child Tax Credit and the state Working Families Tax Credit - initiatives proven to help children thrive. This work is supported through deep collaborations with home-based childcare business owners, microlenders, and asset building non-profits among them the Nusenda Credit Union, Prosperity Works, and SW Creations Collaborative. SEC programmatic initiatives will support thriving children, working families and equitable communities through proven popular education strategies including those of national partners Abriendo Puertas/Opening Doors, the Aspen Institute, and Communities Organizing on Family Issues (COFI). Job Creation: Direct jobs created by 2029: 77 full time jobs; Indirect jobs created by clients: 820 full time jobs.
- Other projects - \$6.1 million. Additional project estimates are being formulated as materials and construction costs were dramatically impacted due to the high demand and supply shortages brought on by the public health emergency, COVID-19.

Services to Disproportionately Impacted Communities (EC 3) - \$9.5 million

Bernalillo County is proposing to spend \$9.5 million on services to disproportionately impacted communities. One of the pressing issues the county, as well as the rest of the country, is currently facing is homelessness. Geographically diverse communities from high cost urban areas to rural communities are experiencing high rates of homelessness, mental distress and substance use disorders. Low income communities have been disproportionately impacted by the pandemic-related recession and are in need of supportive housing assistance as well as affordable housing. Working in conjunction with Department of Behavioral Health Services and other departments, the county is committed to reviewing ways in which it can aid underserved populations who have been hit the hardest by the COVID-19 pandemic. The details of some projects are being finalized. The county is dedicated to focusing on the underserved, marginalized, and adversely affected groups in its vetting process.

Premium Pay (EC 4) - \$10 million

Bernalillo County is proposing to spend \$10 million of the ARPA funding for premium pay for qualified employees. Bernalillo County will pay a lump sum amount as premium pay on a quarterly basis, rather than increasing employees' hourly rate of pay. Only employees who are considered essential workers in critical infrastructure sectors who regularly perform in-person work, interact with others at work, or physically handle items handled by others are eligible for premium pay. Both the lump sum premium pay and the employer share of FICA on the premium pay will be charged to the ARPA funds. All public safety employees and behavioral health employees will qualify. These include fire, sheriff, adult detention corrections officers, youth services detention officers, animal care officers, court security officers, dispatchers, behavioral health employees, and nurses. In addition to public safety, certain other employees that handle inventory, clean facilities, cook, run daycare and exercise facilities would also qualify.

Employees covered by a Collective Bargaining Agreement (CBA), are subject to the guidelines of the ARPA and any payout can only be granted through negotiations, per State Statute NMSA 1978, Section 10-7E-17 Scope of Bargaining and Section 10-7E-4 (F) Collective Bargaining. The County plans to negotiate with union groups with essential workers.

The County used the OIG guidance to calculate highly compensated employees "using the groups of workers for whom premium pay would increase total pay above 150 percent of their residing State's average annual wage, or their residing county's average annual wage, whichever is higher, on an annual basis." Based on the guidance, the County used guidance 2020 data from University of New Mexico Bureau of Research and Economic Research (UNM BBER). Based on their report, Bernalillo County had the highest average annual pay in 2020 at \$53,528. An employee is highly compensated in Bernalillo County if their salary is \$80,292 or greater.

Employees whose premium pay would increase total pay above \$80,292 will receive half of the lump sum premium pay on a quarterly basis. These employees have oversight of essential workers and work with the public.

Water, Sewer, and Broadband Infrastructure (EC 5) - \$74.6 million

Bernalillo County is proposing to spend approximately \$74.6 million of America Rescue Plan Act (ARPA) funding to improve the overall quality of life of county residents by investing in water, sewer, and broadband infrastructure.

The county has completed necessary assessments, prioritized needs and collaborated with other entities. The county is proposing to spend approximately \$64.6 million to build, rehabilitate, and improve water and sewer initiatives for underserved communities within the county. New infrastructure investment not only provides social benefits but also ensures our community will emerge from the COVID-19 pandemic. The county plans on utilizing staff from Public Works as well as partnering with local water utility companies to accomplish its goals. The proposed use of funds would be as follows:

1. Drinking water - \$32.3 million
2. Clean water (sewer) - \$32.3 million

Ten million of the funding would be to build broadband infrastructure that bridges the digital divide for residents and businesses in two targeted areas of the county:

1. The 87059-area code in the East Mountains area, (District 5) south and north of Interstate 40.
2. The far west side of Albuquerque (District 1), primarily along the Atrisco Vista Boulevard corridor, where economic development opportunities are emerging.

The broadband infrastructure project will address unserved and underserved households and businesses in the East Mountains area, where geography, topography, and costs have prevented expansion. It also addresses future economic growth in the far west side of Albuquerque, where the Amazon Fulfillment Center promises future economic growth.

The county's goal is that by building a core infrastructure hub in the two targeted areas, Internet Service Providers (ISPs) will commit to installing last-mile connections to residential and commercial customers via fiber, wireless, or satellite technologies. In that vein, the county is currently in the process of seeking partnerships with telecommunications contractors and service providers to ensure successful delivery of affordable and reliable broadband.

In accordance with ARPA funding requirements, the goal of the project is to deliver service to the unserved and underserved households and businesses in the project areas internet speeds that are not currently served by a wireline connection that reliably delivers at least the minimum FCC threshold of 25 Mbps download and 3 Mbps upload speeds. In addition, as a requirement, the infrastructure hub must reliably meet or exceed symmetrical 100 Mbps download and upload speeds.

Revenue Replacement (EC 6) - \$18 million

The county calculated revenue replacement to the extent of the reduction in revenue due to the COVID-19 public health emergency, relative to revenues collected in the most recent full fiscal year of the recipient prior to the emergency. The revenue replacement calculation as of 12/31/2020 was \$17,986,816.

In calculating general revenue, the county started with all governmental funds (general fund, debt service funds, special revenue funds, and capital projects funds) and all enterprise fund revenues. The fund revenues used are the entity wide revenues from our own sources. Internal service revenues and transfer in accounts were excluded because they are internal charges or transfers of cash within the county. The county did not include any fiduciary funds since these are not our own source revenue.

The county then subtracted out all federal revenues, which are identified by specific account numbers. The county also subtracted out bond proceed and bond premium revenues. The county does not have utility revenue as described in the Census Bureau's manual, nor was there any of the other excluded revenues.

The county used the cash basis of accounting, as allowed in the Frequently Asked Questions 3.12. This was chosen because the Interim Final Rule required recipients to calculate revenue loss for the period ending December 31, 2020. This created significant challenges for the county in that audited records are prepared on a fiscal year end of June 30. Since our fiscal year end is different from the calendar year, on December 31, our revenue record would have a material accumulation of accruals. Revenue recognition adjustments are often required at fiscal year-end. At all other points in the fiscal

year, revenues are typically recorded on a cash-basis. The increased audit risk of the December 31 calculation is extremely problematic.

It would take Bernalillo County a significant number of hours to provide accrual entries for all the revenues for both 1/1/2020 and 12/31/2020 to convert records to an accrual basis. The significant dollar entries would be calculated on property taxes and gross receipt taxes; however, there are numerous entries in all the revenue accounts that would need to be considered. The grants would take considerable analysis to make sure the revenues are recorded properly at December 31. The numbers would need to be reviewed by management and there would need to be consideration for auditing the data. Many counties across the country appealed to the Office of Inspector General to allow the audited year end to be allowed in the Interim Final Rule, but this was not changed.

Total estimated revenue reported was formulated through a twelve-month of total actuals reported from dates of 1/1/2020 to 12/31/2020 and a report and an average growth year over year report of total actuals from fiscal year 2016 to 2019. The cash basis method was used in both reports. All federal grant and or federal funding was excluded from the calculation. All transfers in, internal service fund revenue, and any bond related revenue or revenue that was used to pay bonds that got refunded was also excluded from the calculation. The budget view report in the enterprise resource planning financial management system Bernalillo County uses for financial reporting was used for all reports.

For total revenue the Bernalillo County used the appropriations and expenditures report generated from the financial system for each year.

House Bill 407 (HB 407) was enacted by the New Mexico Legislature in 2019. That statute sought to consolidate elections throughout the state by aligning local and school board elections with national and state elections. Local elections often contain mil levy and bond questions that affect property tax collections and distributions. Local elections were held on November 5, 2019. In order to mail an accurate tax bill that included any and all bond/mil levy questions, tax bills could not be printed until the election had been completed and certified by the state. As a result, a large portion of the 1st half of property tax collections that are collected in December for fiscal year 2020, were delayed and subsequently received in the calendar year 2020, which artificially inflated the revenue collection in the “actual base year” to \$50,402,532 million. This is a significant increase over the \$6,185,863 million collected in the “base year. Without HB 407, the 1st half of fiscal year 2020 property taxes would have been collected by mid-December of 2019 and would not have been counted in December 2020 calendar revenues. Bernalillo County and most counties in New Mexico were required by HB 407 to delay tax collections, and consequently had a substantial increase in property tax revenue in the Treasury defined “actual base year”.

Based on this timing change in property tax collections, the county estimated what collections would have been without HB 407. In order for Bernalillo County to calculate a more accurate estimate of what the actual revenue would have been in 2020, an average of the last ten years was used to determine what percentage of property tax collections was collected by December. It was determined that an average of 55.15% of the property taxes were collected by December 31 of each year starting in 2010 through 2019. The percentage was applied to December 31, 2019, which was the starting point for the 2020 year. Based on the calculation, the county expected that \$89,150,813 would be collected if the due date was not delayed by a month.

Proposed Uses of Revenue Replacement (Lost Revenue):

The estimated \$18 million from the lost revenue calculation will be allocated to general government services including the proposed initiatives below, in which the details are being finalized:

- Commissioner initiatives.
- Employee initiative; focused on the lowest paid employees.
- Any other government services such as modernization of cybersecurity.

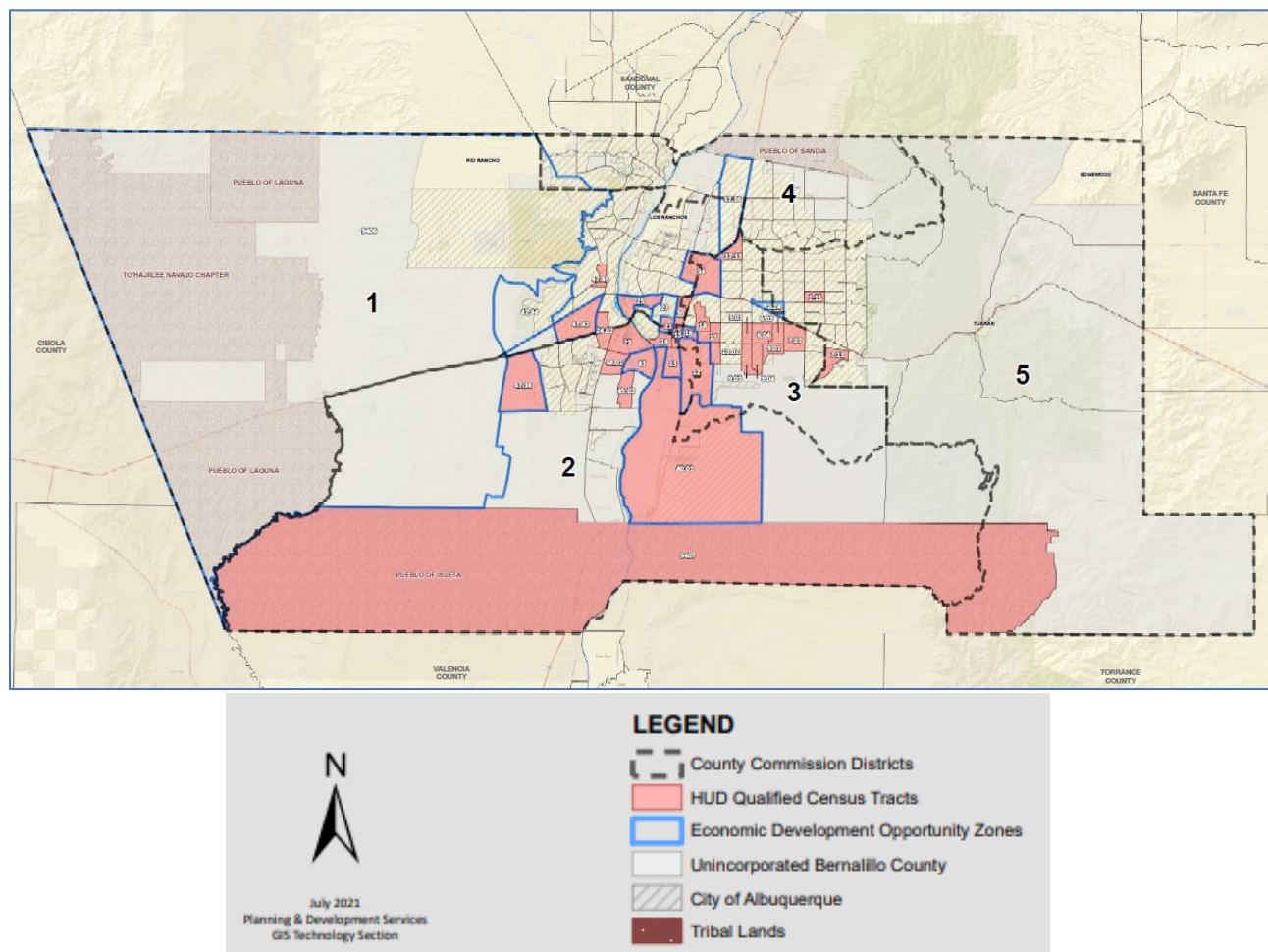
Promoting Equitable Outcomes

Bernalillo County prioritized projects and programs based on the following criteria:

- Community need/benefit
- System preservation
- Project readiness
- Commission awareness

In its mission to promote equitable outcomes, the county will review and analyze low income data from HUD Qualifying Census Tract (QCT), Economic Development Opportunity Zones, and Tribal communities.

The proposed distribution of funds prioritizes those geographical areas that typically have marginalized communities. The map below illustrates where those communities are located within Bernalillo County's five commission districts.



The legends below show statistical and geographical information for each district.

BCC District	Incorporated Population	Unincorporated Population	Total Population
1	124,948	8,019	132,967
2	81,853	51,361	133,214
3	126,892	3,941	130,833
4	123,236	23,567	146,803
5	113,941	18,686	132,627
Total Population	570,870	105,574	676,444

BCC District	Description of District Boundaries
1	Primarily covers the Far North Valley, primarily west of Interstate 25 from Paseo Del Norte to Central Avenue.
2	Covers the southernmost part of the County.
3	Is mainly within the City of Albuquerque limits.
4	Primarily runs east to west along the northernmost county boundary.
5	Covers the majority of the east mountain area east to the Santa Fe County line, and the Isleta Pueblo/Sandia Laboratory boundaries to the south, including the NM 14 south neighborhoods.

Community Engagement

At a public meeting of the Board of County Commissioners on May 25, 2021, the first tranche of ARPA funding in the amount of \$65,955,646.50 was accepted and budgeted. Additionally, approval was received to commence analysis of water, sewer, and broadband projects. In developing plans, the county met with departments, outside agencies, and elected officials to discuss recovery needs that comply with ARPA Interim Final Rule guidance. Constituents and business owners reached out to commissioners and the county manager prior to the public work sessions held on August 19, 2021 and August 23, 2021.

Labor Practices

The county will follow all applicable labor laws. In accordance with the county's current procurement ordinance (Bernalillo County Code Sec. 2-356 Rules of Construction) regarding prevailing wage requirements for construction contracts. Any ARPA infrastructure projects will be solicited with contracted labor, and the contract agreements requiring that contractors offer wages at or above the prevailing rate and include local hire provisions. Each infrastructure contract will be carefully considered whether to follow the county's existing prevailing wage ordinance, or Davis-Bacon Act prevailing wage guidelines. Some of the water and sewer infrastructure projects will be overseen by the Albuquerque Bernalillo County Water Utility Authority (ABCWUA), and the proposed Memorandum of Understanding will include language that the ABCWUA follow Davis-Bacon Act requirements.

Use of Evidence

The COVID-19 pandemic and the corresponding economic crisis has had a devastating impact on minority groups in Bernalillo County. These groups have experienced a disproportionate number of COVID-19 infections and deaths as well as higher-than average unemployment rates. When final approval for the ARPA funding is received by the Board of County Commissioners, Bernalillo County will describe the goals and the evidence base for the interventions funded by each project and initiative. The projects and initiatives that have dollar amounts allocated toward evidence-based interventions will be clearly reported and tracked.

Table of Expenses by Expenditure Category

The county will utilize the appropriate expenditure category as defined in the ARPA Interim Final Rule. Detailed projects and initiatives will be presented for approval at the Board of County Commission meeting on September 14, 2021, therefore no ARPA funds have been expended to date.

Project Inventory

Pending approval.

ARPA Contingency

A contingency has been established in anticipation of new initiatives or justified increases to previously approved projects.



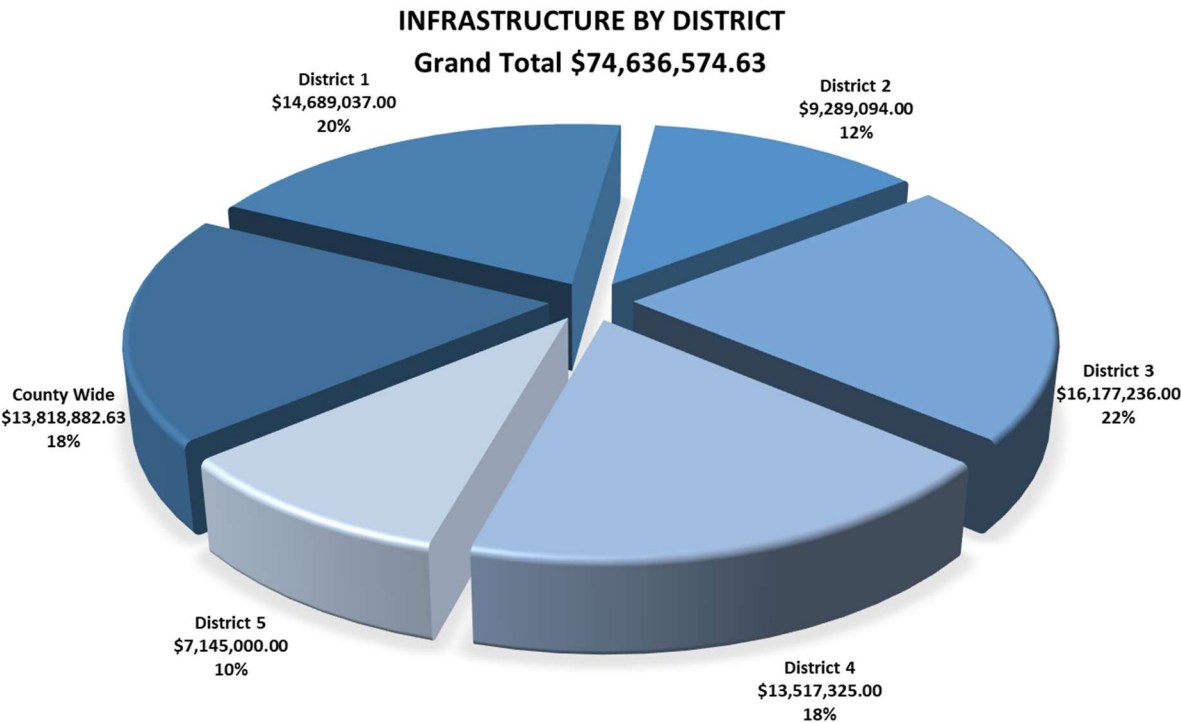
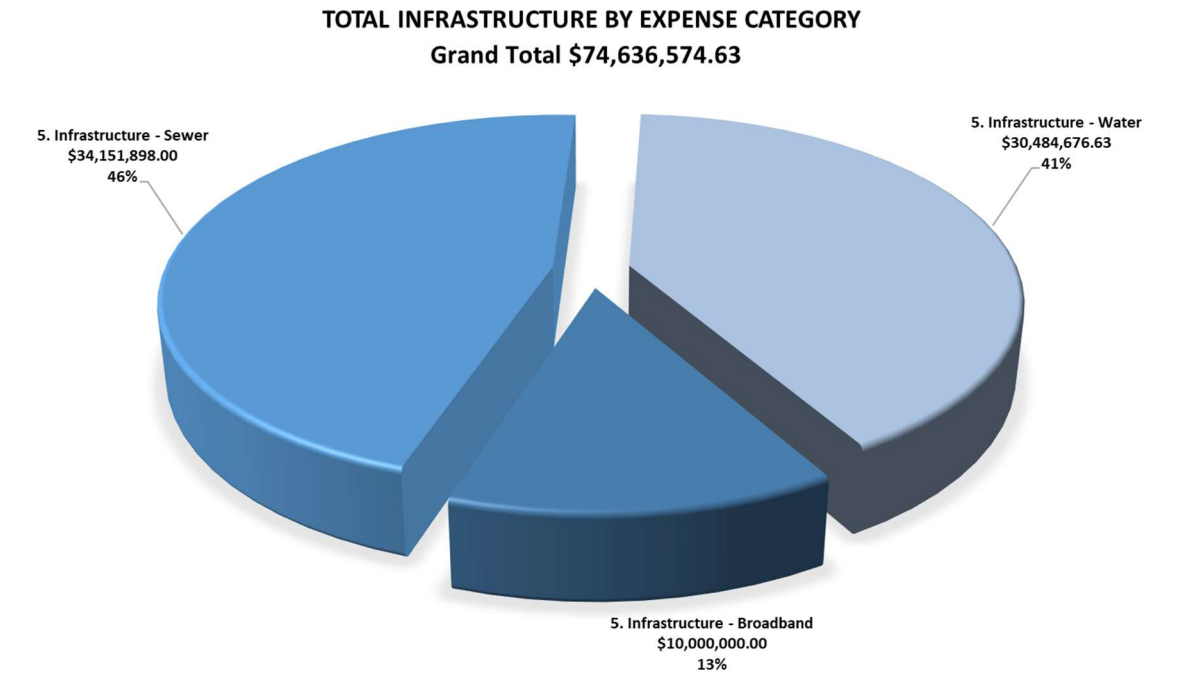
Bernalillo County Communications Services Department; 2021; Bernalillo County; *Ken Sanchez Commission Chambers*

Prepared by Bernalillo County Finance Division

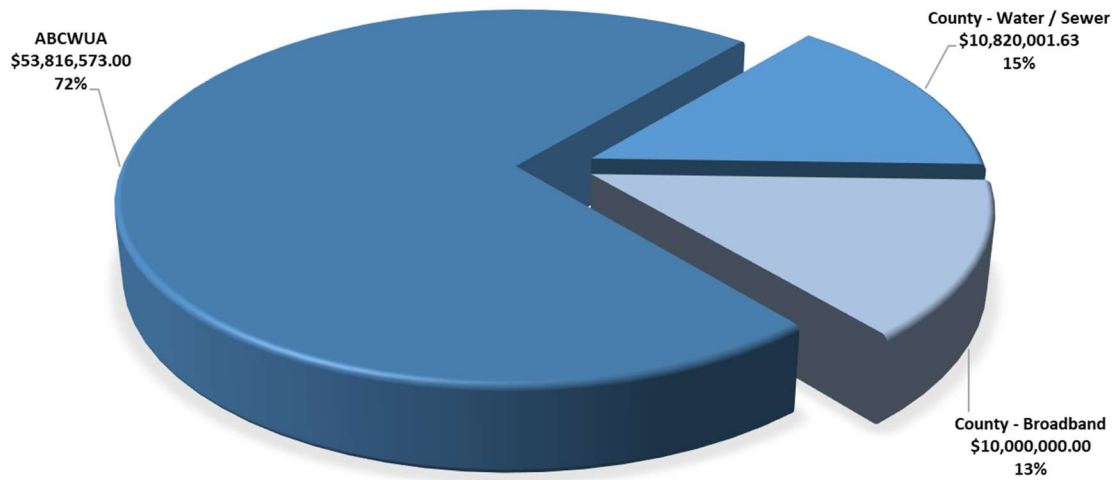
**Bernalillo County ARPA Funding
Infrastructure Summary
As of 9/28/2021**

ABCWUA Projects						
Item #	District Physical Location	District Impact	Expenditure Category	Expenditure Sub-Category	Project	Amount
I-6	District 5	District 5	5. Infrastructure - Sewer	5.2 Clean Water: Centralized Wastewater	Carnuel Sewage Collection System	\$3,845,000.00
I-7	District 2	County Wide	5. Infrastructure - Sewer	5.2 Clean Water: Centralized Wastewater	MDC Water & Sewer Improvements	\$4,200,000.00
I-8	District 2	County Wide	5. Infrastructure - Sewer	5.8 Clean Water: Water Conservation	Mesa del Sol Non-Potable Re-Use Booster Pump & Reservoir	\$4,896,536.00
I-9	District 2	District 2	5. Infrastructure - Water	5.11 Drinking water: Transmission & Distribution	South Valley Drinking Water Project, Phase 8/9	\$8,000,000.00
I-10	District 3	District 3	5. Infrastructure - Sewer	5.5 Clean Water: Other Sewer Infrastructure	KAFB Tijeras Interceptor Rehabilitation	\$15,000,000.00
I-11	Districts 1 & 4	Districts 1 & 4	5. Infrastructure - Water	5.11 Drinking water: Transmission & Distribution	Volcano Cliffs & Corrales Trunk Reservoir & Transmission Line Improvements • District 1 - \$10 million; District 4 - \$5 million	\$15,000,000.00
I-16	District 1	District 1	5. Infrastructure - Sewer	5.8 Clean Water: Water Conservation	Bosque Non-Potable Water Reclamation Plant and Reuse System	\$2,875,037.00
					Subtotal ABCWUA Projects	\$53,816,573.00
County Coordinated Water & Sewer Projects						
Item #	District Physical Location	District Impact	Expenditure Category	Expenditure Sub-Category	Project	Amount
I-1	District 1	District 1	5. Infrastructure - Water	5.13 Drinking water: Source	Sawmill Public Infrastructure	\$150,000.00
I-13	District 1	County Wide	5. Infrastructure - Water	5.11 Drinking water: Transmission & Distribution	Calle Cuarta Multi Family/Mixed Use Housing Utilities	\$522,346.63
I-14	District 5	District 5	5. Infrastructure - Water	5.11 Drinking water: Transmission & Distribution	Rincon Water Cooperative - Highway 14 Development Plan	\$100,000.00
I-15	District 2	District 2	5. Infrastructure - Water	5.11 Drinking water: Transmission & Distribution	South Valley Community Commons	\$535,094.00
I-17	District 3	District 3	5. Infrastructure - Water	5.11 Drinking water: Transmission & Distribution	MaxQ @ Kirtland	\$1,177,236.00
I-2	District 4	District 4	5. Infrastructure - Sewer	5.5 Clean Water: Other Sewer Infrastructure	Sandia Peak Utilities. Replace aged water meters and service lines • Sandia Heights and Primrose Point Subdivisions	\$3,335,325.00
I-18	District 4	District 4	5. Infrastructure - Water	5.6 Clean Water: Stormwater	South La Cueva Arroyo Retention and Water Quality Infrastructure	\$5,000,000.00
					Subtotal County Coordinated Water & Sewer Projects	\$10,820,001.63
Broadband Projects						
Item #	District Physical Location	District Impact	Expenditure Category	Expenditure Sub-Category	Project	Amount
I-12	Districts 1, 2, 3, 4	County Wide	5. Infrastructure - Broadband	5.17 Broadband: Other projects	Fiber Optics Communication System	\$700,000.00
I-3	Districts 1, 2, 4	Districts 1,2,4	5. Infrastructure - Broadband	5.16 Broadband: "Last Mile" projects	Westside Broadband and Fiber Optic Infrastructure Expansion • District 1 - \$1.664m; District 2 - \$754k; District 4 - \$182k	\$2,600,000.00
I-4	District 5	District 5	5. Infrastructure - Broadband	5.17 Broadband: Other projects	East Mountain Broadband Backbone Infrastructure	\$3,200,000.00
I-5	County Wide	County Wide	5. Infrastructure - Broadband	5.17 Broadband: Other projects	Broadband contingency for other projects	\$3,500,000.00
					Subtotal Broadband Projects	\$10,000,000.00
					Grand Total Infrastructure	\$74,636,574.63

Graphical Distribution of Infrastructure Funding



INFRASTRUCTURE BY TYPE
Grand Total \$74,636,574.63



**Bernalillo County ARPA Funding
Non Infrastructure Summary
As of 9/28/2021**

Item #	District Impact	Expenditure Category	Expenditure Sub-Category	Project / Initiative	Description	Amount
NI-1	County Wide	1. Public Health	1.10 Mental Health Services*	Care Campus Services (Young Adult)	Care Campus Services to those with behavioral health service needs and those most impacted by the pandemic: Young Adult Inpatient Treatment Services administered by the Department of Behavioral Health Services (DBHS) on the CARE Campus to serve young adults (ages 18 - 21) with Substance Use Disorders (SUD).	\$2,250,000.00
NI-10	District 2	2. Negative Economic Impacts	2.12 Aid to Other Impacted Industries	Expansion of the South Valley Economic Development Center	The SVEDC has completed a master plan for the expansion of the Center and its food manufacturing capabilities. This project will fill an existing infrastructure gap in the State's agriculture industry cluster which will allow regional farmers to increase sales, connect to larger markets, and enabling the shift to more profitable crops. The master plan contemplates the expansion over three phases and a total cost of \$8.9 million.	\$3,028,731.00
NI-11	District 2	2. Negative Economic Impacts	2.12 Aid to Other Impacted Industries	Mesa Del Sol Athletic Fields	Next phase of athletic fields at Mesa del Sol -- design and development will immediately inject the ARPA funds into the economy providing the intended stimulus effect Informal inquiry from David Campbell via e-mail 4/19/21 to County Manager.	\$2,000,000.00
NI-12	County Wide	1. Public Health	1.10 Mental Health Services*	Care Campus Services (OPC, MAT)	Care Campus Services to those with behavioral health service needs and those most impacted by the pandemic: Outpatient Clinic (OPC) Program administered by the Department of Behavioral Health Services (DBHS) on the CARE Campus to serve those in the community in need of outpatient clinic services, more specifically, induction and maintenance of Medication Assisted Treatment (MAT). And the Living Room Model Services, a voluntary, outpatient, alternative care setting program intended to serve clients in distress related to behavioral health. The goal of the program is to provide a relaxing and safe environment in which clients can resolve issues without more intensive intervention.	\$2,250,000.00
NI-13	District 1	2. Negative Economic Impacts	2.11 Aid to Tourism, Travel, or Hospitality	Ride Share Infrastructure	The Atrisco Vista area has seen the development of new large-scale employers and existing employers looking to expand their operations. However, there is no public transportation infrastructure within this employment area. Until the demand for additional ridership meets the operating costs of public transportation additional service will not be expanded to this area. Other local governments faced with this same challenge have embraced Ride Sharing services a way to bridge the infrastructure needs of today to tomorrow. Companies within employment centers are beginning to contract with Ride Sharing services to shuttle employees from public transportation centers to designated Ride Sharing Pull-Over Zones that are in proximity to the employment area. Additionally, designated temporary parking spaces or lots within public transportation depots are being provided to Ride Share Operators while they await employees that are debarking from public transportation connections.	\$60,000.00
NI-14	County Wide	2. Negative Economic Impacts	2.12 Aid to Other Impacted Industries	Felony Pretrial Supervision Electronic Monitoring Program	There is currently an urgent need to increase the number of EM devices for use by the Felony pretrial supervision program. Due to COVID, many more defendants are assigned to community supervision via this county-funded program, and many of those are being ordered to wear EM devices by a judge. Defendants, on average, are spending longer on supervisions awaiting adjudication due to the slow-down of felony case processing, especially on cases where defendants are awaiting trial out-of-custody. Currently, felony pretrial @ District court has reached its limit of EM devices allowed under the county's contract with BI, Inc. The county is exploring options for temporarily raising the device limit until numbers come back down.	\$51,097.00

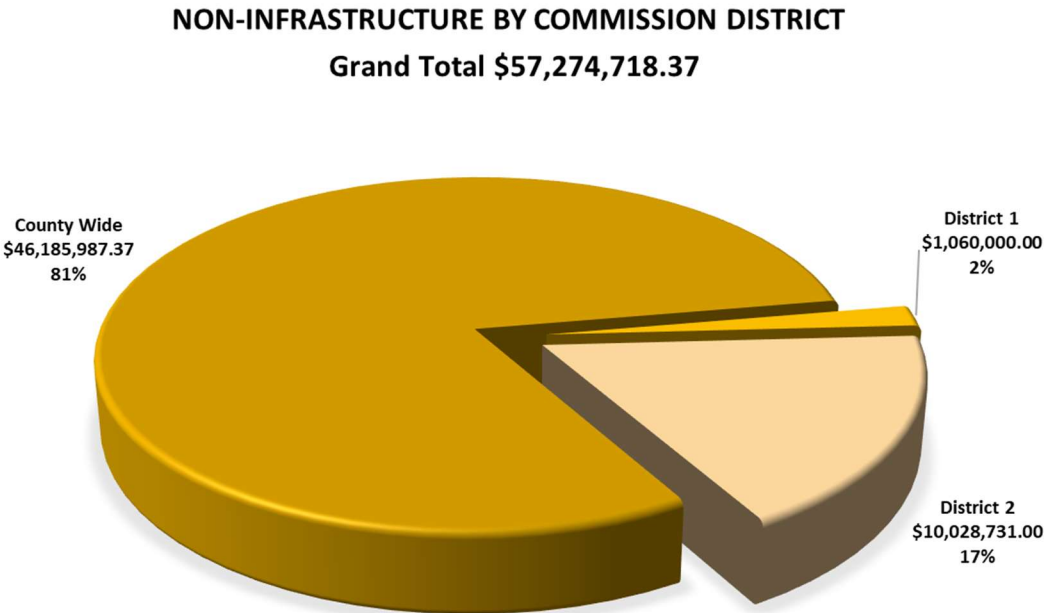
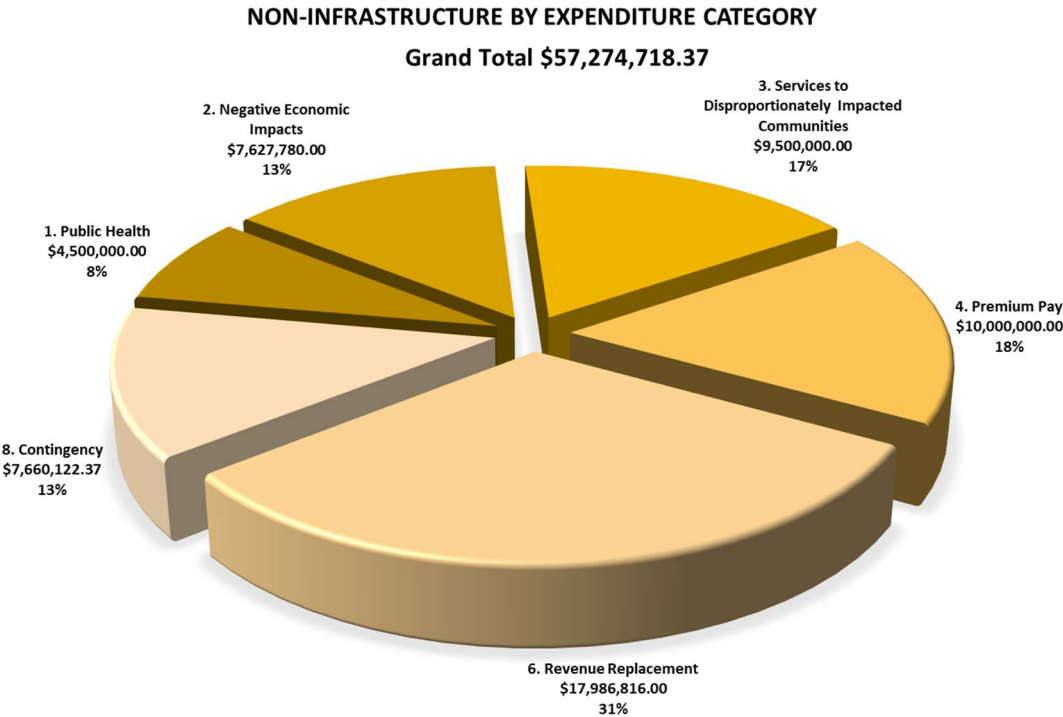
**Bernalillo County ARPA Funding
Non Infrastructure Summary
As of 9/28/2021**

Item #	District Impact	Expenditure Category	Expenditure Sub-Category	Project / Initiative	Description	Amount
NI-15	County Wide	3. Services to Disproportionately Impacted Communities	3.11 Housing Support: Services for Unhoused Persons* ^	Care Campus Expansion of the existing Community Connections Supportive Housing Service	Care Campus Services to those with behavioral health service needs and those most impacted by the pandemic: Expansion of the existing Community Connections Supportive Housing Service and Case Management Services (\$1M per fiscal year). The program will allow for Scattered Site Supportive Housing Services to provide intense case management and services linked with scattered housing to target population of homeless or precariously housed persons with mental illness or co-occurring disorders or other disabilities and whose lack of community based services have resulted in criminal justice system involvement or frequent utilizers of emergency room and other services.	\$3,500,000.00
NI-16	District 2	3. Services to Disproportionately Impacted Communities		El Centro de Igualdad y Derechos NPO (Rachel LaZar)	Final Approval subject to proposal. Economic relief funding for the undocumented population. El CENTRO is a grassroots, Latino immigrant-led organization based in Central New Mexico that works with Latino immigrant communities and allies to defend, strengthen, and advance the rights of our community. Fighting for immigrants' rights and workers' justice in Albuquerque. Our organizing work gives voice to hundreds of low-income immigrant workers in Albuquerque, builds community, and leads to public policy gains. El CENTRO utilizes multiple strategies to impact social change including community organizing, leadership development, policy advocacy, strategic communications, and civic engagement in order to advance the rights of the Latino immigrant community and low-wage workers and families in Albuquerque.	\$4,000,000.00
NI-2	County Wide	2. Negative Economic Impacts	2.12 Aid to Other Impacted Industries	Competency Evaluation Program	Due to the general slow down of the criminal justice system and judicial processing and complications trying to schedule face-to-face appointments with defendants in the jail, pending competency evaluations for felony cases have backed up significantly. The number of Competency Evaluations is also increasing to 30 requests per month or more. The county's response to this is occurring on 2 fronts: 1. Bernalillo County added a dedicated felony competency case manager to the programs that receive county funding under the FY22 Metropolitan Court services contract (CCN 2021-XXX, section 1.10) to support defendants involved in competency court that are pending an evaluation. The CM will help connect individuals to services and provide community supports to maintain stability and compliance with release conditions until a competency determination is made and the case can proceed. 2. Bernalillo County increased support to District Court's competency evaluation program above its current county arrangement to provide an additional court clinician and a 0.5 FTE Competency Evaluation Program manager. This will enable the program to complete 30 or more CEs per month, reducing the back log and meet the statutorily determined completion timeline.	\$387,952.00
NI-3	County Wide	4. Premium Pay	4.1 Public Sector Employees	Premium Pay	Premium pay for essential workers	\$10,000,000.00
NI-4	County Wide	6. Revenue Replacement	6.1 Provision of Government Services	Lost Revenue	General government services	\$17,986,816.00
NI-5	County Wide	8. Contingency		Contingency	Contingency	\$7,660,122.37

**Bernalillo County ARPA Funding
Non Infrastructure Summary
As of 9/28/2021**

Item #	District Impact	Expenditure Category	Expenditure Sub-Category	Project / Initiative	Description	Amount
NI-6	District 1	2. Negative Economic Impacts	2.12 Aid to Other Impacted Industries	Sawmill	Sawmill Economic Development The Sawmill Center for the Arts is a project planned for Albuquerque's Sawmill District. Spearheaded by 516 ARTS and the Outpost Performance Space, the mixed-use arts facility will offer educational programs for all ages. The Center will serve as a regional cultural anchor by offering diverse arts programs of international acclaim, as well as incorporating strong community involvement with local and regional artists and ongoing educational programs for all ages. The Center will also include market rate housing in the form of approximately 40 residential apartments. Informal request noted in 4/14/21 e-mail from Clay for \$1 mil for Sawmill Economic Development Per 4/23/21 e-mail from Mayling, with position papers for "Projects for ARPA Funding"	\$1,000,000.00
NI-7	County Wide	2. Negative Economic Impacts	2.12 Aid to Other Impacted Industries	Complex Court Space at Convention Center	COVID safe protocols for jury trials to be held in the Convention Center	\$100,000.00
NI-8	District 2	2. Negative Economic Impacts	2.12 Aid to Other Impacted Industries	PCA Social Enterprise Center	New program activities: The SEC will provide living wage jobs and wrap-around services including justice-centered work in economic security and early childhood education. Using 2Gen strategies,	\$1,000,000.00
NI-9	County Wide	3. Services to Disproportionately Impacted Communities	3.10 Housing Support: Affordable Housing* ^	Affordable Housing	Affordable Housing Informal request noted in 4/14/21 e-mail from Clay for unspecified \$ amount for affordable housing.	\$2,000,000.00
					Grand Total	\$57,274,718.37

Graphical Distribution of Non-Infrastructure Funding



BERNALILLO COUNTY
BOARD OF COUNTY COMMISSIONERS
FINANCIAL RESOLUTION NO. 2021-88

To request the following BUDGET INCREASE for the purpose of accepting and budgeting funds from American Rescue Plan Act (ARPA) funding to support combatting the COVID-19 pandemic, including the public health and economic impacts.

WHEREAS, at a regular meeting of the BOARD OF COUNTY COMMISSIONERS OF BERNALILLO COUNTY, held on September 28, 2021, the following was among the proceedings:

<u>Source:</u>	<u>Amount</u>
ARPA Funding	
12501-200203-465010-TBD	65,955,646.50
TOTAL SOURCES	65,955,646.50
<u>Expenditure:</u>	
APRA Expenditures	
12501-200203-565010-TBD	65,955,646.50
TOTAL EXPENDITURES	65,955,646.50

WHEREAS, the above budget increase is necessary, and funds are available from the above stated source.

WHEREAS, after approval from the Department of Finance and Administration, Local Government Division, the above action shall be taken and all necessary adjustments shall be made.

CONTINUATION PAGE 2, FINANCIAL RESOLUTION **FR 2021-88.**

NOW, THEREFORE, be it resolved by the Board of County Commissioners, the governing body of the County of Bernalillo that this budget increase having been duly heard is hereby adopted this 28th day of September, 2021.

BOARD OF COUNTY COMMISSIONERS

Charlene E. Pyskoty, Chair

Steven Michael Quezada, Vice Chair

Debbie O'Malley, Member

Adriann Barboa, Member

Walt Benson, Member

ATTEST:

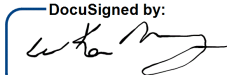
Linda Stover, County Clerk

REVIEWED BY:

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Shirley Ragin, Deputy County Manager for Finance

APPROVED AS TO FORM:

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W. Ken Martinez, County Attorney

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Julie Anne Baca

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Denver, CO 80202

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Shirley Ragin

sragin@bernco.gov

Deputy County Manager

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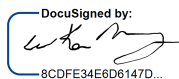
Ken Martinez

kenmartinez@bernco.gov

eSign

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**MEMORANDUM OF UNDERSTANDING BETWEEN
THE ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY AND
BERNALILLO COUNTY REGARDING THE SUBAWARD OF THE AMERICAN RESCUE
PLAN ACT RECOVERY FUNDS**

THIS MEMORANDUM OF UNDERSTANDING ("**MOU**") is made and entered into this 14th day of September, 2021, by and between Bernalillo County, New Mexico, a political subdivision of the State of New Mexico (hereinafter called the "**County**") and the Albuquerque Bernalillo County Water Utility Authority, New Mexico, a political subdivision (hereafter called the "**Subrecipient**") and together with the County, "**Parties**" or "**Party**").

RECITALS

The purpose of this MOU is for the County to subaward to the Subrecipient, for the purpose of carrying out a portion of the County's American Rescue Plan Act ("ARPA") Recovery funds and create a Federal assistance relationship with the Subrecipient.

WHEREAS, the Subrecipient and the County acknowledge the need for necessary investments to build, rehabilitate, and improve water and sewer initiatives for underserved communities within the county and improve access to clean drinking water, support vital wastewater and stormwater infrastructure; and

WHEREAS, the County and the Subrecipient identified and presented seven (7) proposed projects ("Projects"), as listed in Appendix A, to the Commission during work sessions held on August 19, 2021 and August 23, 2023; and

WHEREAS, the County wishes to engage the Subrecipient to assist the County in utilizing such funds to carry out part of the County's Federal award by committing funding not to exceed fifty-three million eight hundred sixteen thousand five hundred seventy-three dollars (\$53,816,573); and

WHEREAS, the ARPA funds made available for use by the Subrecipient under this Agreement constitute a subaward of the County's Federal award, the use of which must be in accordance with requirements imposed by Federal statutes, regulations, and the terms and conditions of the County's Federal award; and

WHEREAS, it is necessary for the County and the Subrecipient to enter into subsequent agreements for each individual project, as listed in Appendix A, to provide detailed project information, description project timeline and detailed requirements as set forth; and

WHEREAS, the Subrecipient has legal authority to enter this agreement, and the Subrecipient's governing body will duly adopt authorizing the Subrecipient to enter this agreement with the County, and by signing this agreement, to assure the County that it will comply with all the requirements of the subaward described herein; and

WHEREAS, the Subrecipient is the lead agency for the project and shall undertake and be responsible for all aspects of planning, designing, rehabilitating and otherwise improving proposed water and sewer Projects; and

WHEREAS, the Projects are consistent with and carry out the ARPA funding for critical need for investments and improvements to existing infrastructure in water, sewer and County objectives.

NOW, THEREFORE, in consideration of the need for recovery from the COVID pandemic the Parties hereto do mutually agree as follows:

TERMS AND CONDITIONS

The Preamble and Recitals are incorporated herein and given the same weight as each of the additional terms and conditions listed below.

A. Use of Funds

1. As a condition of receiving this subaward, the Subrecipient should have a system of internal controls in place to ensure eligible use of ARPA funding. The Subrecipient shall complete the activities in a manner satisfactory to the County and consistent with the terms of conditions of this agreement and applicable Federal statutes and regulations.
2. The Subrecipient may only carry out the activities described in this agreement as listed in Appendix A on behalf of the County in accordance with the “ABCWUA Subrecipient Requirements for ARPA Funds” (Appendix B).
3. The Subrecipient is prohibited from charging to the subaward any costs considered ineligible by the Department of the Treasury (“Treasury”) 31 CFR Part 35, Interim Final Rule.
4. The Subrecipient should become familiar with:
 - a. The Department of the Treasury 31 CFR Part 35, Interim Final Rule;
 - b. The Department of Treasury Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds (“SLFRF”);
 - c. Coronavirus SLFRF Frequently Asked Questions; and
 - d. Other requirements delineated in this MOU.

B. Uniform Administrative Requirements

1. The Subrecipient should follow all Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200 (the “Uniform Guidance”).
2. The Subrecipient should review the Uniform Guidance and consider how and whether certain aspects of the Uniform Guidance apply. These requirements include allowable activities; allowable costs/cost principles; cash management; eligibility, equipment and real property management; matching, level of effort, earmarking; period of performance; procurement, suspension and debarment; program income; reporting, subrecipient monitoring; and special tests and provisions.
3. The County requests the Subrecipient follow Davis Bacon requirements for all construction activities.
4. The Subrecipient must meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal Funds.

C. Performance Monitoring and Reporting

1. The County shall monitor the performance of the Subrecipient as necessary and in accordance with regulations on Subrecipient Monitoring and Management, 2 CFR 200.332, to ensure Subrecipient compliance with all of the requirements of this agreement, including the timeframes and performance goals associated with the activities.
2. Substandard performance as determined by the County will constitute noncompliance with this agreement. If action to correct such substandard performance is not taken by the Subrecipient within thirty (30) days after being notified by the County, the County may impose additional conditions on the Subrecipient and its use of ARPA funds, suspend or terminate this agreement, or initiate other remedies for noncompliance as appropriate and permitted.
3. The County is responsible for reporting to Treasury on the Subrecipient use of payments from the Fiscal Recovery Funds for the duration of the award.
4. The Subrecipient is responsible for reporting financial and performance information in ten (10) days in advance of the County's reporting deadlines so that the County can combine the Parties expenditures and obligations in the reports. The reporting deadlines is notated in Appendix B.
5. The Subrecipient is required to have a Single Audit performed, using CFDA number 21.027 for APRA funding on the Single Audit Schedule of Expenditures. The Subrecipient must be registered with the System for Award Management ("SAM") in order to accept this award. The County requires that Subrecipient submit an annual report with the Single Audit to the County for each year that it is a subrecipient of the County's ARPA federal funds, in addition to submittals to the New Mexico Office of the State Auditor and the United States Data Clearinghouse.
6. The Treasury details very specific reporting requirements for subrecipients. Therefore, anyone who is identified as a subrecipient, is subject to the requirements and run the risk of not receiving funding or funding being withdrawn for non-compliance.

D. Payment and Terms

1. The County will reimburse the Subrecipient for actual expenditures each month based on construction progress and after the quarterly reporting information and supporting documentation is received.
2. ARPA funds may be used to cover eligible preapproved projects that the Subrecipient incurs on September 15, 2021 and ends on December 31, 2024, as long as the awarded funds for the obligations incurred by December 31, 2024 are expended by December 31, 2026.
3. The Subrecipient shall complete all activities in this agreement in accordance with the following budget. Any amendments to the budget must be approved in writing by both the County and the Subrecipient.
4. The Subrecipient may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. The County authorizes the Subrecipient to charge direct costs to the award as administrative costs. Direct costs are those that

are identified specifically as costs of implementing the SLFRF program objectives, such as contract support, materials, and supplies for a project. The Subrecipient's administrative costs should not exceed 10% of the project cost.

5. It is expressly agreed and understood that the total amount to be paid by the County under this agreement shall not exceed \$53,816,573.
6. The County requests that the Subrecipient inform the County of any APRA funds that expect to go unspent in advance of deadlines so the County can repurpose such funds for other projects.

E. Documentation and Record Keeping

1. The Subrecipient shall establish and maintain records sufficient to enable the County to determine whether the Subrecipient has complied with this agreement, applicable Federal statutes and regulations, and the terms and conditions of the County's Federal award.
2. The Subrecipient must keep all records for five years after all funds have been expended or returned to the County, which may need to repurpose or return such funds to the Treasury.

F. Third Party Beneficiaries

None of the provisions contained within this Agreement are intended to create in the public or any member thereof a third party beneficiary nor to authorize anyone not a party to the Agreement to maintain any action against either Party hereto, including without limitation a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage(s) to property(ies) and/or any other claim(s) whatsoever, pursuant to the provisions of this agreement.

G. Amendments and Termination

1. The County or Subrecipient may amend this agreement at any time provided that such amendments make specific reference to this agreement, are approved by the County's governing body, and are signed in writing by a duly authorized representative of the County and the Subrecipient. Such amendments shall not invalidate this agreement, nor relieve or release the County or Subrecipient from its obligations under this agreement.
2. The County may, in its discretion, amend this agreement to conform with Federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of the activities to be undertaken as part of this agreement, such modifications will be incorporated only by written amendment signed by both the County and Subrecipient.
3. This Agreement may be terminated by either Party upon 60 days' written notice to the other Party; provided however, if the Subrecipient terminates this Agreement following the delivery of the County's ARPA funding, the Subrecipient shall return to the County said funding consistent with Section G(5) below.
4. The County may terminate this agreement, in whole or in part, upon thirty (30) days' notice, whenever it determines that the Subrecipient has failed to comply with any term, condition, requirement, or provision of this agreement. Failure to comply with any term of this agreement, include (but are not limited to) the following:

- a. Failure to comply with any of the rules, regulations or provisions referred to herein, or such statutes, regulations, executive orders, and policies or directives as may become applicable at any time;
 - b. Failure, for any reason, of the Subrecipient to fulfill in a timely and proper manner its obligations under this agreement;
 - c. Ineffective or improper use of funds provided under this agreement; or
 - d. Submission by the Subrecipient to the County reports that are incorrect or incomplete in any material respect.
5. The County shall promptly notify the Subrecipient, in writing, of its determination and the reasons for the termination together with the date on which the termination shall take effect. Upon termination, the County retains the right to recover any improper expenditures from the Subrecipient and the Subrecipient shall return to the County any improper expenditures no later than thirty (30) days after the date of termination. The County may, at its sole discretion, allow Subrecipient to retain or be reimbursed for costs reasonably incurred prior to termination, that were not made in anticipation of termination and cannot be canceled provided that said costs meet the provisions of this agreement, 2 CFR Part 200, Subpart E, Cost Principles, and any other applicable state or Federal statutes, regulations or requirements

H. Applicable Law

This Agreement shall be governed by the laws of the State of New Mexico and the rules and regulations of the County, Subrecipient and the City. The venue for any dispute arising hereunder shall be Bernalillo County, New Mexico. Neither Party shall be responsible for liability incurred as a result of the other Party's acts or omissions in connection with this agreement.

I. Force Majeure

The Parties shall not be liable for any loss or damage of any kind or for any consequences thereof resulting from delay or inability to perform their respective duties or obligations under this Agreement to the extent caused by strikes, lockouts, fire, theft, shortage, inability to obtain materials, breakdown, delays or carriers, manufacturers, or suppliers, acts of God, pandemics, governmental statutes, proclamations or regulations, riot, civil commotion, war, malicious mischief, or by any cause beyond either Party's reasonable control.

J. New Mexico Tort Claims Act

No provision of the agreement establishes any waiver of immunity for alleged tortious conduct of any employee of any Party arising from the performance of the agreement apart from that set forth in the New Mexico Tort Claims Act, Section 41-4-1, et seq., NMSA 1978, as amended. Within the limits and restrictions of the New Mexico Tort Claims Act, Section 41-4-1, et. Seq., NMSA 1978, as amended, each Party agrees to be responsible for its own negligent acts or omissions which may occur during the performance of this agreement and which result in claims by individuals or entities not parties to this agreement.

K. Non-Discrimination

In performing the terms of this agreement, the Parties hereto shall not discriminate against any person on the basis of race, color, religion, gender, sexual preference, sexual orientation, national origin or ancestry,

age, physical handicap, or disability as defined in the Americans With Disabilities Act of 1990, as now enacted or hereafter amended.

L. Compliance with Laws

The Parties shall comply with all applicable laws, ordinances, and codes of the Federal, state and local governments.

M. Facsimile/Electronic Signature

The Parties agree that this agreement may be electronically signed and that the electronic signatures appearing on the agreement are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility and shall have the same effect as if the agreement had been signed in person, pursuant to Section 14-16-7, NMSA 1978.

IN WITNESS WHEREOF the County and the Subrecipient have executed this MOU as of the last date of execution shown below.

Bernalillo County Board of Commissioners

Signature Page

BOARD OF COUNTY COMMISSIONERS

Charlene E. Pyskoty, Chair

Steven Michael Quezada, Vice Chair

Debbie O'Malley, Member

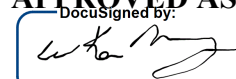
Adriann Barboa, Member

Walt Benson, Member

ATTEST:

Linda Stover, County Clerk

APPROVED AS TO FORM:

DocuSigned by:


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W. Ken Martinez, County Attorney

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

By: _____ **Date:** _____
Mark S. Sanchez, Executive Director

APPENDIX A

ABCWUA Projects						
Item #	District Physical Location	District Impact	Expenditure Category	Expenditure Sub-Category	Project	Amount
I-6	District 5	District 5	5. Infrastructure - Sewer	5.2 Clean Water: Centralized Wastewater Collection and Conveyance	Carnuel Sewage Collection System	\$3,845,000.00
I-7	District 2	County Wide	5. Infrastructure - Sewer	5.2 Clean Water: Centralized Wastewater Collection and Conveyance	MDC Water & Sewer Improvements	\$4,200,000.00
I-8	District 2	County Wide	5. Infrastructure - Sewer	5.8 Clean Water: Water Conservation	Mesa del Sol Non-Potable Re-Use Booster Pump & Reservoir	\$4,896,536.00
I-9	District 2	District 2	5. Infrastructure - Water	5.11 Drinking water: Transmission & Distribution	South Valley Drinking Water Project, Phase 8/9	\$8,000,000.00
I-10	District 3	District 3	5. Infrastructure - Sewer	5.5 Clean Water: Other Sewer Infrastructure	KAFB Tijeras Interceptor Rehabilitation	\$15,000,000.00
I-11	Districts 1 & 4	Districts 1 & 4	5. Infrastructure - Water	5.11 Drinking water: Transmission & Distribution	Volcano Cliffs & Corrales Trunk Reservoir & Transmission Line Improvements • District 1 - \$10 million; District 4 - \$5 million	\$15,000,000.00
I-16	District 1	District 1	5. Infrastructure - Sewer	5.8 Clean Water: Water Conservation	Bosque Non-Potable Water Reclamation Plant and Reuse System	\$2,875,037.00
					Total ABCWUA Projects	\$53,816,573.00

APPENDIX B

ABCWUA Subrecipient Requirements for ARPA Funds

As of 8-24-2021

The agreement between Bernalillo County (the “County”) and Albuquerque Bernalillo County Water Utility Authority (“ABCWUA”) is awarded using American Rescue Plan Act (“ARPA”) federal funds, and thus has numerous compliances, monitoring, and reporting requirements.

ABCWUA is required to have a Single Audit performed, using CFDA number 21.027 for APRA funding on the Single Audit Schedule of Expenditures. ABCWUA must be registered with the System for Award Management (“SAM”) in order to accept this award. The County requires that ABCWUA submit an annual report with the Single Audit to the County for each year that ABCWUA is a subrecipient of the County’s ARPA federal funds, in addition to submittals to the New Mexico Office of the State Auditor and the United States Data Clearinghouse.

As a subrecipient, ABCWUA is required to carry out a program or project on behalf of the County’s federal award funding requirements. ABCWUA should have a system of internal controls in place to ensure that ARPA funding requirements are accurately met on a timely basis within requirements. ABCWUA will be responsible for providing performance and financial data to the County. The County will monitor and oversee ABCWUA’s use of ARPA Funds and other activities related to the award to ensure that ABCWUA complies with the statutory and regulatory requirements and the terms and conditions of the award. The County is responsible for reporting to Treasury on ABCWUA’s use of payments from the Fiscal Recovery Funds for the duration of the award.¹ ABCWUA is responsible for reporting financial and performance information in advance of the County’s reporting deadlines so that the County can combine ABCWUA and County expenditures and obligations in the reports.

ABCWUA should become familiar with:

- The Department of the Treasury 31 CFR Part 35, Interim Final Rule,
- The Department of Treasury Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds (SLFRF),
- Coronavirus SLFRF Frequently Asked Questions, and
- Requirements delineated below.

Both the County and ABCWUA will review Projects to ensure that they meet the eligible and restricted uses of SLFRF funds.

Uniform Administrative Requirements:

ABCWUA should follow all Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200 (the “Uniform Guidance”). ABCWUA should review the Uniform Guidance and consider how and whether certain aspects of the Uniform Guidance apply. These requirements include allowable activities; allowable costs/cost principles; cash management; eligibility, equipment and real property management; matching, level of effort, earmarking; period of performance; procurement, suspension and debarment; program income; reporting, subrecipient monitoring; and special

¹ Interim Final Rule (page 26813)

tests and provisions.² The County requests that ABCWUA follow Davis Bacon requirements for all construction activities.

ABCWUA must keep all records for five years after all funds have been expended or returned to the County, which may need to repurpose or return such funds to the Treasury.

ABCWUA should meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal Funds.³

Reporting Guidance:

The Treasury requires that the County submit interim reports, project and expenditure reports (quarterly), and recovery plan performance reports (annually). ABCWUA will need to participate in reporting information in advance of the County's report. In particular, the Project and Expenditure Report will include ABCWUA information and the County requests that ABCWUA submit requests ten (10) days in advance of the following schedule. The initial quarterly Project and Expenditure Report will cover two calendar quarters from the date of the award to September 30, 2021. The subsequent quarterly reports will cover one calendar quarter.⁴

Report	Year	Quarter	Period Covered	Due Date
1	2021	2 and 3	Award Date – September 30	October 31, 2021
2	2021	4	October 1 – December 31	January 31, 2022
3	2022	1	January 1 – March 31	April 30, 2022
4	2022	2	April 1 – June 30	July 31, 2022
5	2022	3	July 1 – September 30	October 31, 2022
6	2022	4	October 1 – December 31	January 31, 2023
7	2023	1	January 1 – March 31	April 30, 2023
8	2023	2	April 1 – June 30	July 31, 2023
9	2023	3	July 1 – September 30	October 31, 2023
10	2023	4	October 1 – December 31	January 31, 2024
11	2024	1	January 1 – March 31	April 30, 2024
12	2024	2	April 1 – June 30	July 31, 2024
13	2024	3	July 1 – September 30	October 31, 2024
14	2024	4	October 1 – December 31	January 31, 2025
15	2025	1	January 1 – March 31	April 30, 2025
16	2025	2	April 1 – June 30	July 31, 2025
17	2025	3	July 1 – September 30	October 31, 2025
18	2025	4	October 1 – December 31	January 31, 2026
19	2026	1	January 1 – March 31	April 30, 2026
20	2026	2	April 1 – June 30	July 31, 2026
21	2026	3	July 1 – September 30	October 31, 2026
22	2026	4	October 1 – December 31	March 31, 2027

The County will reimburse ABCWUA for actual expenditures each month based on construction progress and after the quarterly reporting information and supporting documentation is received.

² SLFRF-Compliance and Reporting Guidance (June 24, 2021, Version: 1.1, pages 6-9)

³ SLFRF-Compliance and Reporting Guidance (June 24, 2021, Version: 1.1, page 11)

⁴ SLFRF-Compliance and Reporting Guidance (June 24, 2021, Version: 1.1, pages 15-16)

The following information will be required for Project and Expenditure Reports:

- The project name, identification number, project expenditure category, description, and status of completion. Project description must describe the project in sufficient detail to provide understanding of the major activities that will occur and will be required to be between 50 and 250 words. Projects should be defined to include only closely related activities directed toward a common purpose.
- Once Project is entered, ABCWUA will report:
 - Current period obligation
 - Cumulative obligation
 - Current period expenditure
 - Cumulative expenditure
 - Project Status (4 categories: not started, completed less than 50 percent, completed 50 percent of more, or completed)
- ABCWUA will be required to report additional information for each contract, transfer, or direct payment greater or equal to \$50,000. The \$50,000 would include both obligations (encumbrances) and expenditures⁵.
 - Contractor identifying and demographic information (e.g., DUNS number and location)
 - Award number (e.g., Award number, Contract number, Loan number)
 - Award date, type, amount, and description
 - Award payment method (reimbursable or lump sum payment(s))
 - For loans, expiration date (date when loan expected to be paid in full)
 - Primary place of performance
 - Related project name(s)
 - Related project identification number(s) (created by the recipient)
 - Period of performance start date
 - Period of performance end date
 - Quarterly obligation amount
 - Quarterly expenditure amount
 - Project(s)
 - Additional programmatic performance indicators for select Expenditure Categories

Required Programmatic Data for Infrastructure Projects:⁶

For all Projects listed under the Water and Sewer categories, more detailed project-level information is required. In addition to expenditure data, the following information will also be required:

All Infrastructure Projects:

- Projected/actual construction start date (month/year)
- Projected/actual initiation of operations date (month/year)
- Location
- For projects over \$10 million:
 - a) Certification of prevailing wages per Davis-Bacon Act. If such certification is not provided, the recipient must provide project employment and local impact report detailing:
 - The number of employees, of contractors, and sub-contractors working on the project;
 - The number of employees on the project hired directly and hired through a third party;
 - The wages and benefits of workers on the project by classification; and

⁵ SLFRF-Compliance and Reporting Guidance (June 24, 2021, Version: 1.1, pages 18)

⁶ SLFRF-Compliance and Reporting Guidance (June 24, 2021, Version: 1.1, pages 21)

- Whether those wages are at rates less than those prevailing.⁷
- b) Certification that a project includes a project labor agreement (a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)). If such certification is not provided, the recipient must provide a project workforce continuity plan, detailing:
- How the recipient will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project;
 - How the recipient will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project; and
 - How the recipient will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities;
 - Whether workers on the project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market; and
 - Whether the project has completed a project labor agreement
- c) Whether the project prioritized local hires.
- d) Whether the project has a Community Benefit Agreement, with a description of any such agreement.

Water and Sewer Projects (EC 5.1-5.15):⁸

- National Pollutant Discharge Elimination System (NPDES) Permit Number (if applicable; for projects aligned with the Clean Water State Revolving Fund)
- Public Water System (PWS) ID number (if applicable; for projects aligned with the Drinking Water State Revolving Fund)

Award Timeframe:

ARPA funds may be used to cover eligible preapproved projects that ABCWUA incurs on September 15, 2021 and ends on December 31, 2024, as long as the award funds for the obligations incurred by December 31, 2024 are expended by December 31, 2026.

The County requests that ABCWUA inform the County of any APRA funds that ABCWUA expects to go unspent in advance of deadlines so the County can repurpose them for other projects.

Indirect Costs:

The County does not plan to award ABCWUA any indirect administrative costs. Eligible costs should be related to the construction project. The Subrecipient's direct administrative costs should not exceed 10% of the project cost.

⁷ As determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed.

⁸ SLFRF-Compliance and Reporting Guidance (June 24, 2021, Version: 1.1, page 22)

Other Requirements and Resources:

- Review regulatory requirements under the Uniform Guidance (2 CFR Part 200) [eCFR :: 2 CFR Subtitle A -- Office of Management and Budget Guidance for Grants and Agreements \(federalregister.gov\)](#) and also Review Department of Treasury's Interim Final Rule [2021-10283.pdf \(govinfo.gov\)](#) ⁹
- Review the **Uniform Guidance requirements** and any additional regulatory and statutory requirements applicable to the program. https://www.whitehouse.gov/wp-content/uploads/2020/08/2020-Compliance-Supplement_FINAL_08.06.20.pdf ¹⁰
- **Register and maintain an updated profile on SAM.gov.**
- **Single Audit** - Recipients and subrecipients that expend more than \$750,000 in Federal awards during their fiscal year will be subject to an audit under the Single Audit Act and its implementing regulation at 2 CFR Part 200, Subpart F regarding audit requirements. ¹¹

⁹ SLFRF-Compliance and Reporting Guidance (June 24, 2021, Version: 1.1, page 2)

¹⁰ SLFRF-Compliance and Reporting Guidance (June 24, 2021, Version: 1.1, page 6)

¹¹ SLFRF-Compliance and Reporting Guidance (June 24, 2021, Version: 1.1, page 10), Also see CRF 200.501 <https://ecfr.federalregister.gov/current/title-2/subtitle-A/chapter-II/part-200#200.501> and OMB Compliance Supplements [Office of Federal Financial Management | The White House](#)

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Signatures: 1

Envelope Originator:

Certificate Pages: 1

Initials: 0

Julie Anne Baca

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Enveloped Stamping: Enabled

Denver, CO 80202

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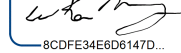
Ken Martinez

kenmartinez@bernco.gov

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FINANCIAL ANALYSIS FORM



FINANCIAL ANALYSIS FORM

SECTION 5: NARRATIVE

FISCAL IMPLICATIONS

Historical Information and Existing Funding (include match and in-kind funding) - The American Rescue Plan Act (ARPA) will provide \$350 billion in federal fiscal recovery aid for state and local governments. Of this amount, \$65.1 billion is provided in direct aid to counties and an additional \$1.5 billion for public land counties to combat the COVID-19 pandemic, including the public health and economic impacts. The County Commission approved FR 2021-58 to accept and budget the first direct allocation (tranche) of funding in the amount \$65,955,646.50; which was received on May 19, 2021 and is being used to commence analysis of water, sewer, and broadband projects.

In developing plans, the county met with departments, outside agencies, and elected officials to discuss recovery needs that comply with ARPA Interim Final Rule guidelines. The suggestions were discussed in two public work sessions with Bernalillo County Commissioners on August 19, 2021 and August 23, 2021 and suggested projects were prioritized. Comments and feedback were incorporated into the Recovery Plan document.

Current Financial Impact of Proposed Action - Upon approval, The ARPA funding that was direct allocation payments from the CSLFRF are proposed to be used in the following ways:

(1)Public Health (EC 1) - \$4.5m to support the need for public health measures to respond to COVID-19 which will continue in the months and potentially years to come. Bernalillo County has experienced a significant jump in behavioral health service needs and those most impacted by the pandemic;

(2)Negative Economic Impacts (EC 2) - \$7.6m to address and assist those negatively economically impacted by the pandemic;

(3)Services to Disproportionately Impacted Communities (EC 3) - \$9.5m to fund services experiencing high rates of homelessness, mental distress and substance use disorders. Low income populations have been disproportionately impacted by the pandemic-related recession and are in need of supportive housing assistance as well as affordable housing. Working in conjunction with Behavioral Health Services and other departments, the county is committed to reviewing ways in which it can aid underserved populations who have been hit the hardest by the COVID-19 pandemic.

(4)Premium Pay (EC 4) - \$10m to fund premium pay for qualified employees. Bernalillo County will pay a lump sum in premium pay on a quarterly basis, rather than incorporating into the regular salary of employees who are considered essential workers in critical infrastructure sectors who regularly perform in-person work, interact with others at work, or physically handle items that require special handling for premium pay.

(5)Water, sewer, and broadband infrastructure (EC 5) - \$74.6m for necessary investments to build, rehabilitate, and improve water and sewer initiatives for underserved communities and to improve access to clean drinking water, support vital wastewater and storm water infrastructure. \$10m to build broadband infrastructure that bridges the digital divide for residents in targeted areas of the county;

(6)Revenue Replacement (EC 6) - \$18.0m to replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced during the pandemic. Additionally, a contingency has been established in anticipation of new initiatives or justified increases to previously approved projects.

Future Financial Implications - The County received the first of two 50% direct allocations (tranches) each of \$65,955,646.50; the first one was received on May 19, 2021 and the second one was received on November 19, 2021. The finance department will work with the budget office to budget the second increment in FY22.

OTHER SIGNIFICANT ISSUES

Departmental Impacts - Finance will work with Accounting and Budget to create project identification via WBS or internal orders to ensure accurate reporting of all ARPA expenditures.

Impacts to Other Departments - Departments identified to receive ARPA funding will be given guidance on the necessary performance and reporting requirements needed to ensure eligibility and advised of all reporting deadlines.

Interdepartmental Communication - As the county further develops its projects and initiatives, key departments will be provided the guidelines for ensuring the most equitable outcomes for all communities.

JUSTIFICATION

Mandated - To ensure government accountability, the county pledges that the planned uses of funds will conform with the U.S Treasury Department's Interim Final ARPA Rule by being accountable for the use of ARPA dollars. The county will establish an internal monitoring, review and reporting process; certify eligible expenditures; and adhere to reporting requirements. The County Recovery Plan will comply with the U.S. Treasury Department's Interim Final ARPA Rule. The Recovery Plan will be allocated prior to December 31, 2024 deadline and all ARPA funds will be completed by December 31, 2026, as required by federal law. The county will review the plan regularly and reallocate priorities if necessary.

Program Relevance - The mission of Bernalillo County is to be an effective steward of county resources and a partner in building a high quality of life for county residents, communities and businesses. Bernalillo County's Recovery Plan supports the critical need for investments and improvements to existing infrastructure in water, sewer, and broadband. Additionally, the Recovery Plan supports public health and negative economic impacts to services to those communities disproportionately impacted. These objectives are aligned with the county's Strategic Plan of Government in Public Safety, Economic Vitality, Community Health and Public Infrastructure.

Other Relevant Information - The County is committed to working with ABCWUA toward providing funding to improve the overall quality of life of county residents by investing in water and sewer infrastructure. The MOU identifies 7 infrastructure projects and outlines the initial performance and reporting requirements. ABCWUA will be the lead agency for the projects and for the work related to the completion of the projects. Subsequent agreements will need to be negotiated and executed for each individual project to ensure the sub recipient complies with the regulatory requirements and the terms and conditions of the award. In addition, subsequent agreements are necessary to provide detailed project information, description and project timeline.

ALTERNATIVES

If the Commission does not approve the Recovery Plan, proposed projects will be delayed or cancelled. Any unspent funding would need to be returned to the US Treasury.

BUDGET OFFICE REVIEW

The budget office has reviewed and approved this financial analysis and sees no issues prohibiting its approval. Upon approval, The ARPA funding that was direct allocation payments proposed to be used for public health, negative economic impact, services to disproportionately impacted communities, premium pay, water, sewer, and broadband infrastructure, revenue replacement, and a contingency has been established in anticipation of new initiatives or justified increases to previously approved projects.



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